

Notice of Allowability

Application No.

10/606,974

Examiner

Thai-Ba Trieu

Applicant(s)

KLINGEL, DIETER

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment after Final Rejection filed on June 15, 2005.
2. ☒ The allowed claim(s) is/are 29-32 and 34-43.
3. ☒ The drawings filed on 27 December 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date hereto.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This Office action is in response to the Amendment filed on June 15, 2005. Applicant's cooperation in correcting the informalities in the specification is appreciated. Applicant's cooperation in amending the claims to overcome the claim objections relating to informalities as well as indefinite claim language is also appreciated. Claims 29-30 and 34-43 were amended; Claims 1-28, 33, and 44-54 were cancelled.

2. In the items 5 and 6 of the Office Action Summary mailed on March 11, 2005, there have been typo errors for the allowed claims and the rejected claims.

- a. The correction for item 5 has to be: -- **Claims 30-32 are allowed** --.
- b. The correction for item 6 has to be: -- **Claims 1, 28, 29, and 33-54 are rejected** --.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Stephan Pendorf (Reg. No. 32,665) on Monday June 27, 2005.

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The application has been amended as follows:

- In claim 30:

a. Line 16, -- **at least on** -- has been inserted before **"exhaust gas line"** (for maintaining the consistency of claims).

b. Line 23, **"an"** before **"exhaust gas line (20, 20A, 20B)"** has been replaced by – **said at least one** – (for addressing double recitation and maintaining the consistency of claims).

c. Line 27, **"always"** before **"greater than"** has been deleted (for correcting grammatical error).

d. Line 28, **"or"** before **"to reduce"** has been deleted (for correcting grammatical error).

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: The prior art fails to disclose or render obvious the claimed combination of a motor brake device for a turbocharged internal combustion engine including:

"an exhaust recirculation line including at least one exhaust gas return line, via which a portion of the exhaust gas is supplied from said at least one exhaust gas line upstream of a turbine of high-pressure stage to a charge line behind a compressor of the high-pressure stage of an at least two-stage turbocharger system having at least one first closing body provided in an area of the exhaust gas line downstream of the high pressure stage and/or the low pressure stage."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Iketani (Patent Number JP 07-279777A) discloses a single stage turbocharged internal combustion engine having an exhaust gas recirculation system and a exhaust pressure control valve for controlling the exhaust path to a middle opening rate during the process of exhaust gas recirculation to make the inlet pressure of EGR path higher as much as fixed pressure than the outlet pressure, and for controlling exhaust path co as to be about full-opening during exhaust braking is provided on the side being more downstream than the turbine of the exhaust path.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (571) 272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTB
June 27, 2005



Thai-Ba Trieu
Primary Examiner
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